

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
vs.)	Case No. 07-00213-CR-W- NKL
)	
DELTON D. KING,)	
)	
Defendant.)	

ORDER

Defendant Delton D. King (“King”) is charged with one count of felon in possession of a firearm and one count of possession with intent to distribute five grams or more of cocaine base (“crack”). On December 10, 2007, United States Magistrate Judge Sarah W. Hays recommended that the Court enter an Order denying King’s Motion to Suppress [Doc. # 16]. See Report and Recommendation [Doc. # 27]. The parties were advised that they could file written exceptions to the recommendation within ten (10) days pursuant to 28 U.S.C. § 636(b)(1)(C). Neither party has filed an objection to the Magistrate’s Report and Recommendation.

Having conducted an independent review of the record, the Court concludes that the recommendation of the Magistrate Judge is correct and should be adopted. The Magistrate’s Report and Recommendation found that the initial traffic stop of King’s automobile was lawful. After Officer Bronner stopped King for the presence of vision-

reducing material on his windows, in violation of Section 70-850 of the Kansas City Ordinances, King delayed rolling down his window. When King did roll down his window, Officer Bronner observed King attempting to manipulate or drop something, either a weapon or narcotics. King was known to carry a handgun in his car. Officer Bronner went inside the vehicle and found a green, leafy substance consistent with marijuana. King's subsequent arrest and the search and inventory of his vehicle were therefore lawful actions taken to protect Officer Bronner's safety; as a search incident to a lawful arrest; and, as an inventory search.

Accordingly, it is

ORDERED that Judge Hays's Report and Recommendation of December 10, 2007 [Doc. # 27], is ADOPTED.

s/ NANETTE K. LAUGHREY
NANETTE K. LAUGHREY
United States District Judge

Dated: January 7, 2008
Jefferson City, Missouri